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SACRAMENTO COURTS  
DEPT. #53 #54

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21 SUPERIOR COURT OF THE STATE OF CALIFORNIA

22 IN AND FOR THE COUNTY OF SACRAMENTO

23 FAIR POLITICAL PRACTICES COMMISSION,  
24 a state agency,

25 Plaintiff,

26 v.

27 AGUA CALIENTE BAND OF CAHULLA  
28 INDIANS, and DOES I-XX,

Defendants.

Case No. 02AS04545

DECLARATION OF GEORGE  
DUNST IN OPPOSITION TO  
MOTION TO QUASH SERVICE

Date: December 20, 2002

Time: 2:00 p.m.

Dept: 53

Judge: Hon. Loren McMaster

Action Filed July 31, 2002

No Trial Date Set

1 I, GEORGE DUNST, declare as follows:

2 1. I am the Legal Counsel for the Wisconsin State Elections Board. I make this declaration in  
3 opposition to the Agua Caliente Band of Cahuilla Indian's motion to quash the complaint of the  
4 California Fair Political Practices Commission.

5 2. The State Elections Board was created under section 15.61, Wisconsin Statutes, in July 1974, at  
6 the time the Wisconsin Legislature enacted a comprehensive campaign finance disclosure law, Chapter  
7 334, Laws of 1973. In that legislation, in s.11.001, Stats., the legislature declared its policy that the  
8 integrity of the elective process and the maintenance of free government require the fullest compliance  
9 with a comprehensive system of campaign finance reporting:

10  
11 *11.001 Declaration of policy. (1) The legislature finds and declares that our democratic system of*  
12 *government can be maintained only if the electorate is informed. It further finds that excessive spending on*  
13 *campaigns for public office jeopardizes the integrity of elections. It is desirable to encourage the broadest*  
14 *possible participation in financing campaigns by all citizens of the state, and to enable candidates to have*  
15 *an equal opportunity to present their programs to the voters. One of the most important sources of*  
16 *information to the voters is available through the campaign finance reporting system. Campaign reports*  
17 *provide information which aids the public in fully understanding the public positions taken by a candidate*  
18 *or political organization. When the true source of support or extent of support is not fully disclosed, or*  
19 *when a candidate becomes overly dependent upon large private contributors, the democratic process is*  
20 *subjected to a potential corrupting influence. The legislature therefore finds that the state has a compelling*  
21 *interest in designing a system for fully disclosing contributions and disbursements made on behalf of every*  
22 *candidate for public office, and in placing reasonable limitations on such activities. Such a system must*  
23 *make readily available to the voters complete information as to who is supporting or opposing which*  
24 *candidate or cause and to what extent, whether directly or indirectly. This chapter is intended to serve the*  
25 *public purpose of stimulating vigorous campaigns on a fair and equal basis and to provide for a better*  
26 *informed electorate.*

27 *(2) This chapter is also intended to ensure fair and impartial elections by precluding officeholders from*  
28 *utilizing the perquisites of office at public expense in order to gain an advantage over nonincumbent*

1 *candidates who have no perquisites available to them.*

2 *3) This chapter is declared to be enacted pursuant to the power of the state to protect the integrity of the*  
3 *elective process and to assure the maintenance of free government.*

4 3. The mission of the Elections Board is to implement the policy declared by the legislature: to  
5 enhance representative democracy by ensuring the integrity of the electoral process. To achieve this  
6 mission, the Elections Board and its staff direct their energies toward providing for an informed  
7 electorate. The Elections Board is a source of information about the election process, and the activities  
8 and finances of candidates for public office. The campaign finance disclosure system, administered by  
9 the Elections Board, is designed to make information readily available to the public about the sources  
10 and extent of support and opposition to candidates. The Elections Board is empowered with the  
11 responsibility of administering and enforcing the state's election and campaign finance laws, section  
12 5.05, Wisconsin Statutes. The Elections Board and its staff enforce the election and campaign laws  
13 vigorously to reduce the opportunity for corruption and maintain public confidence in representative  
14 government.

15 4. A number of Native American Indian tribes are politically active in Wisconsin, in that they  
16 make contributions to Wisconsin candidates and/or to ballot measures. The tribes comply with the  
17 campaign finance disclosure laws of Wisconsin by filing timely and accurate disclosure reports with the  
18 Elections Board.

19 5. Some years ago, an association of Indian tribes made contributions to secure passage of a  
20 gambling initiative. That association failed to comply with the disclosure laws, and although we began  
21 enforcement proceedings against the association, ultimately we dropped our efforts because of  
22 difficulties in achieving service. More recently, however, the Oneida Nation tribe was found to have  
23 committed relatively minor violations of the campaign finance laws, in that there were cash balance  
24 discrepancies found during an audit. The tribe worked with the Elections Board to rectify those  
25 discrepancies, and, on June 20, 2002, paid a forfeiture of \$1,010 for the violations. The tribe did not  
26 contest the Elections Board's jurisdiction in that action.

27 6. Attached are two letters that the Elections Board has sent, in 1991 and in 2002, to Indian tribal  
28 representatives regarding the manner, under Wisconsin's campaign finance law, in which Indian tribal

1 members and tribes may make contributions and disbursements influencing Wisconsin candidate and  
2 referendum elections, and regarding the reporting requirements for those contributions and  
3 disbursements.  
4

5 I declare under penalty of perjury under the laws of the state of California that the foregoing is  
6 true and correct of my own knowledge, and if called upon to do so, I could testify competently thereto.

7 Executed in Madison, Wisconsin on December 6, 2002.

8 By   
9

10 GEORGE DUNST  
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